

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6120

RAYMOND JEROME FRANCIS,

Petitioner - Appellant,

versus

JOSEPH BROOKS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Jerome B. Friedman, District Judge. (CA-03-412)

Submitted: February 19, 2004

Decided: February 26, 2004

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Raymond Jerome Francis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Raymond Jerome Francis, a federal prisoner, appeals the district court's order denying relief on his petition filed under 28 U.S.C. § 2241 (2000). We have reviewed the record and find no reversible error. Accordingly, we affirm on the reasoning of the district court. See Francis v. Brooks, No. CA-03-412 (E.D. Va. filed Dec. 5, 2003 & entered Dec. 8, 2003); see also San-Miguel v. Dove, 291 F.3d 257 (4th Cir.) (holding that rule announced in Apprendi v. New Jersey, 530 U.S. 466 (2000), does not apply retroactively to cases on collateral review regardless of whether action is filed under § 2241 or 28 U.S.C. § 2255 (2000)), cert. denied, 537 U.S. 938 (2002). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED